

Handout on Nebraska Criminal Record Rehabilitation

Eligibility:

Criminal Conviction Set Aside

A conviction is eligible to be set aside if:

- (1) the conviction resulted in a sentence of a fine, community service, probation, or a jail sentence of one year or less;
- (2) you have satisfactorily completed the sentence imposed; and
- (3) you have maintained a reasonably clean criminal history since the conviction.¹

Criminal Conviction Pardon

A conviction is eligible² for a pardon from the Board of Pardons if:

- (1) the requisite minimum amount of time has passed since completion of your sentence (10 years for a felony, 3 years for a misdemeanor); and
- (2) there has been no subsequent contact with law enforcement during the requisite waiting period.³

Criminal Record Sealing⁴

A criminal record is eligible to be sealed if:

- (1) you were arrested but not charged, or the charge did not result in a conviction (it was dismissed or you were acquitted); or
- (2) the charge resulted in a conviction, but the conviction was later pardoned.

Criminal Record Expunction

Expunction is not available in Nebraska except in extremely limited circumstances. *See* Neb. Rev. Stat. § 25-3523(9).

Self-Help Resources:

Set-Aside:

Instructions: <https://supremecourt.nebraska.gov/self-help/court-records/petition-set-aside-criminal-conviction>

Pardon:

General Information: <https://pardons.nebraska.gov/> To request a pardon application and instructions, email: ne.pardonsboard@nebraska.gov

Record Sealing:

General Information: There are presently no self-help resources available for record sealing. The statute, which generally describes the process can be found here: <https://nebraskalegislature.gov/laws/statutes.php?statute=29-3523>

Other Resources:

<https://www.legalaidofnebraska.org/how-we-help/programs-and-projects/clean-slate/>

<https://ne.freelegalanswers.org/>

¹ Typically, a court will not grant a set-aside if you have had a criminal conviction within the two years prior to petitioning to have a conviction set aside; some courts require three years, and if the crime sought to be set aside is an exceptionally serious offense, a court may require an even longer period of time without having contact with law enforcement.

² Eligibility does not mean your pardon will be granted. The Board retains full discretion as to whether to grant a pardon of a particular conviction, and your application can be denied for any reason or no reason at all.

³ The Board will consider the entirety of your criminal history but will focus on the most recent 10 years (if you are seeking to pardon a felony) or 3 years (if you are seeking to pardon a misdemeanor). Even low-level offenses during that period, such as a traffic offense, may result in a denial, particularly if there are multiple traffic offenses occurring during the review period.

⁴ When a record is sealed, it should not appear on a background check performed by an employer or landlord. The record would still be visible to "Criminal justice agencies," i.e. police officers. The record is sealed from the public, but is not expunged.